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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,518	04/03/2001	Roland L. Fernandez	03797.00025	9759

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EXAMINER
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VU, KIEU D

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 11/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/825,518

Applicant(s)

FERNANDEZ ET AL.

Examiner

Kieu D Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 16-17 are objected to for being in improper dependent form. The claims are written in the form of a preamble made to depend on another claim. The stated preamble is not given patentable weight as it fails to breathe life, meaning, and vitality into the claims. As such, the claims fail to further limit the subject matter of the claim(s) upon which they depend. See MPEP §§ 608.01(n) and 2111.02.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 5 recites the limitation "the plurality of modules". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7 and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ulrich et al ("Ulrich", USP 6466228).

Regarding claims 1 and 18, Ulrich teaches schema stored as computer-executable instructions in a computer readable medium for defining a respective visual appearance for a plurality of computer system components in accordance with a user interface skin theme (col 3, lines 18-37), the schema comprising: a system schema file for specifying allowable form and content of data that defines at least one display attribute for at least one user interface component (line 67 of col 7 to line 6 of col 8), the system schema file including at least one definition of a plurality of user interface parts (col 8, lines 18-24), and the system schema file including a definition of a plurality of user interface part states corresponding to at least a respective one of the user interface parts (col 8, lines 25-30).

Regarding claim 2, Ulrich teaches that the system schema file further comprises a definition of a common set of enumerations for shared use by a plurality of modules that cooperate to display the graphical user interface in accordance with the skin theme (col 16, lines 62-66).

Regarding claim 3, Ulrich teaches that the system schema file includes a common set of properties defined based at least in part on at least one of the common enumerations (col 16, lines 62-66).

Regarding claim 4, Ulrich teaches that strings and enumeration values for a plurality of the properties are defined in a single table using a two-pass include technique (col 18, lines 17-54).

Regarding claim 5, Ulrich teaches the plurality of modules is selected from the group consisting of a theme manager (theme switching 50) and at least one theme-aware control (col 24, lines 52-57).

Regarding claim 6, Ulrich teaches custom theme-aware control that specifies allowable form and content of data in a custom schema file and the custom schema file including at least one definition of a plurality of custom user interface parts (col 9, lines 64-65) and the custom schema file including a definition of a plurality of user interface part states corresponding to at least a respective one of the custom user interface parts (col 8, lines 50-65).

Regarding claim 7, Ulrich teaches that the custom schema file is compiled into a dynamic link library of the custom theme-aware control (col 15, lines 21-33).

Regarding claims 12 and 16-17, Ulrich teaches defining system skin theme metadata (pseudo code examples) in a system schema file; describing at least one system theme in accordance with the system skin theme metadata (line 42 of col 11 to lines 23 of col 12); generating a packaged theme file based at least in part upon the at least one system theme (col 12, lines 27-29); and loading the packaged theme file into memory of the computer (col 6, lines 47-56).

Regarding claim 13, Ulrich teaches the customization of skin theme and generating the packaged theme file based at least in part upon the at least one custom theme (col 1, lines 22-26).

Regarding claim 14, Ulrich teaches the compliance between the system theme and the system skin theme metadata (col 3, lines 18-31).

Regarding claim 15, Ulrich teaches the compliance between the custom theme and the custom skin theme metadata (col 3, lines 18-31).

***Allowable Subject Matter***

7. Claims 8-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 8, none of the prior art fairly teaches or suggests the limitation "the dynamic link library of the custom theme-aware control is registered as a path value in a registry key" in the specific combination as cited in claim 8. This limitation defines patentably over prior art of record.

9. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach about defining theme for a graphical user interface which relates to the claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

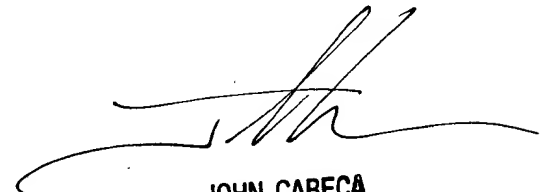
and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

10/23/03



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100